

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

INEZ S. BELLESS,

Plaintiff,

vs.

RORY E. JACOBS; UNITED STATES OF
AMERICA,

Defendants.

Case No. 2:11-cv-00603-GMN-GWF

ORDER

This matter is before the Court on the United States Attorney General's Motion to Substitute United States as Defendant (#17), filed June 12, 2011.

By way of this motion, the United States, United States Attorney Daniel Bogden, requests that it be substituted as defendant in place of Rory Jacobs. Pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2679(d)(1):

Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of title and all references thereto, and the United States shall be substituted as the party defendant.

"The United States Attorney for the district where the civil action or proceeding is brought ... is authorized to make the statutory certification that the Federal employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose." 28 C.F.R. § 15.4.

According to the certification attached as Exhibit A to the current motion, Mr. Bogden reviewed the complaint in this matter and other materials pertaining to the employment status of Mr. Jacobs and certifies that Mr. Jacobs "was acting within the course and scope of his

1 employment as an employee of the United States Postal Service, at the time of the incidents out [of]
2 which the suit arose.” See Exhibit A attached to Motion (#17). The certification in this matter
3 meets all of the requirements for the requested substitution. Accordingly,

4 **IT IS HEREBY ORDERED** that the United States Attorney General’s Motion to
5 Substitute United States as Defendant (#17) is **granted**. The United States shall be substituted in
6 this action in place of Defendant Rory E. Jacobs.

7 DATED this 18th day of July, 2011.

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10 **GEORGE FOLEY, JR.**
11 **United States Magistrate Judge**
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